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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN JAMES JOSE,

Defendants.

CASE NO. 1:24-CR-000046-NODJ-BAM

JOINT STATUS REPORT AND STIPULATION
REGARDING EXCLUDABLE TIME PERIODS
UNDER SPEEDY TRIAL ACT; AND ORDER

DATE: October 23, 2024
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

1. This case set for status conference on October 23, 2024. As set forth below, the parties now move, by stipulation, to continue the status conference one final time to January 22, 2025, and to exclude the time period between October 23, 2024 and January 22, 2025 under the Speedy Trial Act. If the case does not resolve by January 22, 2025, the parties will be prepared to set trial at the January 22, 2025 hearing.

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

2. By previous order, this matter was set for status conference on October 23, 2024. By this stipulation, defendant now moves to continue the status conference one last time until January 22, 2025, and to exclude time between October 23, 2024, and January 22, 2025, under Local Code T4. If

1 the case does not resolve by January 22, 2025, the parties will be prepared to set trial at the January 22,
2 2025 hearing.

3 3. The parties agree and stipulate, and request that the Court find the following:

4 a) The government has represented that the discovery associated with this case
5 includes numerous investigative reports, witness interviews, and audio/video evidence. All of
6 this discovery has been either produced directly to counsel and/or made available for inspection
7 and copying. Supplemental discovery was recently provided consisting of cell phone forensic
8 evidence.

9 b) Counsel for defendant desires additional time to consult with his/her client,
10 review the charges, conduct investigation and research, review discovery and discuss potential
11 resolution of the case.

12 c) Counsel for defendant believes that failure to grant the above-requested
13 continuance would deny him/her the reasonable time necessary for effective preparation, taking
14 into account the exercise of due diligence.

15 d) The government does not object to the continuance.

16 e) Based on the above-stated findings, the ends of justice served by continuing the
17 case as requested outweigh the interest of the public and the defendant in a trial within the
18 original date prescribed by the Speedy Trial Act.

19 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
20 et seq., within which trial must commence, the time period of October 23, 2024 to January 22,
21 2025, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
22 T4] because it results from a continuance granted by the Court at defendant's request on the basis
23 of the Court's finding that the ends of justice served by taking such action outweigh the best
24 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 15, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ JEFFREY A. SPIVAK
JEFFREY A. SPIVAK
Assistant United States Attorney

Dated: October 15, 2024

/s/ Cristobal Perez
Cristobal Perez
Counsel for Defendant
John James JOSE

ORDER

IT IS SO ORDERED that the status conference is continued from October 23, 2024, to **January 22, 2025, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **October 15, 2024**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE